

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 17-10125-WGY
)	
MANUEL LANDAVERDE,)	
a/k/a "Tony Colon,")	
a/k/a "Henry Enrique,")	
a/k/a "Anderson Chacon,")	
a/k/a "Scooby,")	
Defendant)	

SENTENCING MEMORANDUM OF THE UNITED STATES

On July 16, 2018, Manuel Landaverde, a/k/a "Tony Colon," a/k/a "Henry Enrique," a/k/a "Anderson Chacon," a/k/a "Scooby," pleaded guilty to a two-count indictment charging him with racketeering conspiracy, in violation of 18 U.S.C. § 1962(d), and being an alien in possession of a firearm, in violation of 18 U.S.C. § 922(g)(5)(A). In its Pre-Sentence Report dated October 25, 2018 ("PSR"), the United States Probation Office concluded that Landaverde's total offense level ("TOL") was 16, his criminal history category ("CHC") was I, and his guideline sentencing range ("GSR") was 21-27 months in prison. Pursuant to the plea agreement, the government respectfully requests that this Court sentence the defendant to 21 months in prison.

As is set out in more detail in the PSR, during a three-year investigation into the transnational criminal organization known as La Mara Salvatrucha, or MS-13, several cooperating witnesses who were themselves members of MS-13 identified a photo of the defendant from a photo book as "Scooby," a homeboy or full member of MS-13's Trece Locos Salvatrucha or "TLS" clique. The TLS clique operates in El Salvador and multiple states within the United States, including Massachusetts. The TLS clique shares many of the

typical hallmarks of MS-13 cliques: recruitment of younger members; an internal hierarchy and local leadership structure, with ultimate leadership in El Salvador; and a system for advancement predicated on committing violent acts including murder. The cooperating witnesses identified other MS-13 members in Scooby's clique, identified members of MS-13 in different cliques that Scooby associated with, described purchasing small quantities of marijuana from Scooby, described being present with Scooby at a TLS clique meeting, and described an occasion where they had seen him armed with a knife contained in a homemade sheathe.

Agents utilized a cooperating witness (CW-1) to purchase a firearm from Scooby and another MS-13 member. On April 26, 2015, CW-1 advised agents that CW-1 had met William Pineda Portillo, a/k/a Humilde, who CW-1 identified as a member of the TLS clique.¹ During the meeting, Humilde agreed to sell CW-1 a firearm. During a recorded call, Humilde told CW-1, "Hey man call this guy he's from my clique they call him Scooby he's got that thing I told you about, call him so you can go see it." Humilde provided CW-1 with the defendant's cell phone number. During an April 27, 2015, text exchange between Scooby and CW-1, Scooby sent him a photograph of a black gun with a silver slide and said, "Look how cool it is. It doesn't weigh much."

On April 29, 2015, Humilde directed CW-1 to Scooby's home at 80 Chestnut Street in Everett and told CW-1 that Scooby would sell CW-1 the gun after work. At approximately 6:15 p.m., CW-1 arrived at Scooby's home and agents observed a man enter CW-1's automobile parked on Chestnut Street. Over the transmitter, Spanish-speaking

¹ Humilde was administratively arrested by immigration agents under an alias for being unlawfully present in the United States and was deported before the Indictment issued in this case. An arrest warrant for Humilde remains outstanding.

agents listened as CW-1 and “Scooby” had a thirty-minute long conversation in Spanish. At approximately 6:45 p.m., agents observed “Scooby” exit CW-1’s car and walk down a sidewalk between 78 and 80 Chestnut Street.

The gun sale took place shortly after Scooby got into CW-1’s car. CW-1 had told Scooby and Humilde that he was purchasing the gun to provide it to someone he “owed” a gun to. The video recording captured Scooby handed CW-1 the .40 caliber gun in exchange for cash. During the gun sale, the two men had the following exchange:

CW-1: How did you get a hold of that beauty? Fuck! I wish . . . it’s too bad that I owe it dude.

Scooby: But I can get you another one. I have a 9 there, dude, but that’s the one I’m not going to . . .

CW-1: No, no, no, no. I can’t leave you without anything, because –

Scooby: No, that’s right, and besides it belongs to the clique; but I have another guy who will get me a .38, a really small one is what I want so I can use it.

The hand-to-hand gun sale took up only a small portion of the meeting between Scooby and CW-1. During the rest of the meeting, Scooby discussed his membership in MS-13 and his participation in the MS-13 RICO conspiracy. He discussed using the firearm he sold, he discussed attacking gang rivals with a machete, and he discussed being attacked himself by rival gang members.

Other evidence corroborated the fact that the defendant was deeply immersed in the MS-13 conspiracy. For instance, after MS-13 clique leader German Hernandez Escobar, a/k/a “Terrible,” was arrested on a state gun charge, agents listened to and eventually transcribed his jail calls. Terrible regularly asked Nelson Cruz Rodriguez Cartagena, a/k/a “Inquieto” to bring him up to speed on what was happening with other MS-13 members.

During a jail call on April 21, 2015, Inquieto and Terible discussed the incident where Scooby was attacked by gang rivals:

Inquieto: Scooby got jumped by culeros in Everett.

Terible: He didn't have anything with him?

Inquieto: That's the thing, he has a thing (i.e., a gun), he went to the store without it. But every time you go out you should have something with you.

Terible: Yeah, that's right. What happened? Is he ok?

Inquieto: They hit him with a rock. They sliced his face. They know him, they had him posted up. He got stitches in his face. Six of them jumped him.

Terible: You should always carry something with you.

During a consensually recorded conversation with a different cooperating witness, MS-13 member Jose Rene Andrade, a/k/a "Inocente," described getting into a fight at a party where he said he would have gotten stabbed if it was not for Scooby and Humilde looking out for him. And agents on patrol observed the defendant flashing MS-13 gang signs with other MS-13 members.

In addition to the serious nature of these offenses, the government recommends against a below-guideline sentence here because the defendant's criminal history is understated. When the defendant was arrested for the instant offenses, agents linked him via fingerprints to a series of open criminal cases where he had been released on bail under an alias. See PSR, ¶¶ 58-60. Two of the defendant's three open criminal cases involved the defendant's possession of large knives – in once instance, a knife with an eight-inch long blade. These kind of knives are standard-issue weapons for MS-13 members. The FBI's investigation into MS-13 was replete with testimonials by MS-13 members who described patrolling neighborhoods armed with knives looking for rivals to kill. The defendant's

repeated possession of these kinds of weapons demonstrate the depth of the defendant's commitment to the success of the MS-13 enterprise.

Given the seriousness of the offense and the defendant's open criminal cases, a sentence of 21 months is sufficient, but not greater than necessary, to achieve the goals of sentencing. See 18 U.S.C. § 3553(a). While it appears certain that the defendant will be deported upon the completion of his sentence, the government requests that the Court impose a term of three years of supervised release. The term of supervised release will provide the Court with the ability to exert control over the defendant in the event that he unlawfully returns to the United States after the completion of his sentence.

For these reasons, the government respectfully requests that this Court sentence the defendant to 21 months in prison and three years of supervised release.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Christopher Pohl
Christopher Pohl
Kelly Begg Lawrence
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify the foregoing document was filed through the Electronic Court Filing (ECF) system on October 27, 2018 and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing.

/s/ Christopher Pohl
Christopher Pohl
Assistant U.S. Attorney